P.R. No. 4070/26
Presented by Shri Santosh Bhanu
dated 28/7/26

SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH
AT BILASPUR

W.P.NO. 4008 / 2006

Petitioner : Brijesh Kumar Bisai,
S/o Late Madhusudan Bisai, 19
years R/o Village Nagarnar,
Tehsil – Jagdalpur,
Dist : Bastar – (C.G.)

Versus

Respondents : 1. State of Chhattisgarh
Through The Secretary
Home Department,
Mantralaya Raipur,
Dist : Raipur-(C.G.)

2. The Director General
Home Guards, Raipur,
Dist : Raipur-(C.G.)

3. The District Commandant
Home Guards, Jagdalpur,
Dist : Bastar-(C.G.)

WRIT PETITION U/A 226 / 227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP: 4008/06 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

08-08-2006

Shri Prafull Bharat, counsel for the petitioner.

Shri Sumesh Bajaj, Govt. Advocate for the State/ respondents, on advance copy.

Heard.

By the instant writ petition under Article 226/227 of the Constitution of India, the petitioner has questioned the legality and correctness of the order dated 04.05.2006 (Annexure-P/8), passed by respondent No.3 whereby the application of the petitioner for appointment on compassionate ground in place of his father has been rejected on the ground that the said application has been made after expiry of three years' time of the death of his father.

The grievance of the petitioner is that father of the petitioner was working as Constable in the Home Guards and he died in harness on 30.09.1998. Mother of the petitioner made an application on 01.12.1998 (Annexure-P/2) before respondent No.3 seeking appointment on compassionate ground on the ground that her family could not get financial support or aid. After receipt of the said application, respondent No.3 vide letter dated 24.02.1999 intimated her that the case of compassionate appointment is under consideration and if any person fulfilling the minimum age is available in the family, then she can contact the Office. As the petitioner was minor at that time, he was not entitled for appointment. The policy dated 10.06.2003 formulated by the State of Madhya Pradesh was adopted by the State of Chhattisgarh wherein the cut off date was 01.11.2000 for compassionate appointment. Again a corrigendum dated 02.02.2006 was issued whereby the cut off date has

(पीछे देखिये)

XI-HC-22

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been fixed as 01.11.1997. After attaining the age of majority, the petitioner again made an application for compassionate appointment which was duly forwarded by respondent No.3 to respondent No.2. Therefore, the order impugned is illegal.

Learned counsel for the petitioner submits that in the circumstances the petitioner may be allowed to make a detailed representation to respondent No.2 to consider the case of the petitioner in the light of the above back-ground and respondent No.2 be directed to decide the same to which learned counsel appearing for the State/ respondents has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the prayer made by learned counsel for the petitioner appears to be just, fair and reasonable. Therefore, the petitioner is allowed to make a detailed representation to respondent No.2 raising all his grievances, annexing a copy of the instant writ petition within a period of fifteen days from today and in turn, respondent No.2 is directed to decide the same within a period of two months from the date of its receipt, considering all the grievances raised by the petitioner in an objective manner, in accordance with law.

With the aforesaid directions, the writ petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma

(पीछे देखिये)

18.8.06